IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.5114/06
Dev Narayan Vs. Badri Lal & Ors.

17.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Tarun Jain for petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 24.4.2006 whereby his application under Order 7 Rule 14 CPC for placing on record copy of the agreement dated 26.3.1981 has been rejected by the trial court.

Learned counsel for the petitioner argued that it was necessary to place the copy of the said agreement

for assailing the correct measurements of the land in dispute. The respondents having denied the genuineness of the agreement and it could not produced the evidence earlier because it was not traceable and soon after it was traced, the application for placing the record was filed.

Having heard the learned counsel for the petitioner and having perused the impugned order, it would be evident that the evidence of the plaintiff was closed on 13.5.2005 and thereafter the matter was fixed for evidence of the defendants on 25.5.05, 18.7.05, 11.8.05 and 15.9.05 and thereafter one last date was fixed for evidence on 19.10.2005. It was at this stage that the application was filed by the plaintiff. The suit was filed on

17.3.2001. There is no mention of the aforesaid agreement to sale in the pleadings of the plaint in as much as the plaintiff had come out with a case that he had purchased the land by execution of sale deed besides application which has been filed under Order 7 Rule 14 also does not give any explanation whatsoever as to why the said agreement of sale could not be earlier produced on record.

I therefore do not find that the said order suffer from any such legal error as may warrant interference by this Court.

The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-